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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,864	07/11/2006	Patrick Dawson Bailey	BJS-39-326	7738
23117 7590 01/21/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
NIEBAUER, RONALD T				
ART UNIT		PAPER NUMBER		
1654				
MAIL DATE		DELIVERY MODE		
01/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10585864	7/11/2006	BAILEY, PATRICK DAWSON	BJS-39-326

EXAMINER

RONALD T. NIEBAUER

ART UNIT	PAPER
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1654 20090107

DATE MAILED:

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Commissioner for Patents

The reply filed on 11/5/08 is not fully responsive to the prior restriction requirement because of the following omission(s) or matter(s): while applicant has elected a unique species for the compound and drug, applicant has not specified how the compound and drug are conjugated together. It is noted that the restriction requirement (8/5/08 page 3 last 3 lines) stated that applicant should specify how the compound and drug are linked. Instant claim 30 describes possible attachment points and instant claim 29 recites attachment mechanisms. In other words, applicant has identified elements of the conjugate but has not identified a specific species of the conjugate. If applicant intends that the drug and compound not be conjugated, applicant should clearly state so on the record. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached at 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald T Niebauer/
Examiner, Art Unit 1654

/Anish Gupta/
Primary Examiner, Art Unit 1654